

HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No.23024 OF 2004

Between:

B. Praveen Kumar

... Petitioner

AND

Transmission Corporation of Andhra Pradesh,
Rep., by its Chief General Manager (HRD),
Vidyut Soudha, Hyderabad and two others

... Respondents.

:: O R D E R ::

Counsel for the petitioner
Kumar

: Shri P. Naveen

Counsel for the respondents

: Shri Samineni Kishore

March 7, 2007

In this petition, the petitioner has prayed for issue of a mandamus to the respondents to notify the vacancies of Typists/Clerks in Medak District and to consider his case for appointment as Typist in accordance with the policy contained in B.P.Ms.No.36, dated 18-5-1997 issued by the erstwhile Andhra Pradesh State Electricity Board.

The petitioner claims to have worked as Typist on NMR/casual labour in Divisional Office (Operation), A.P. Transco, Medak from 25-6-1996 to April, 1997. His grievance is that even though in terms of the policy contained in B.P.Ms.No. 36, dated 18-5-1997, the respondents are obliged to advertise 50% vacancies in the cadres of Junior Assistants, Junior Linemen, Typists etc., the latter have failed to take

action in that regard and, on that account, he has been deprived of his legitimate right to be considered for appointment against 50% vacancies earmarked for contract labour/casual labour/village electricity worker.

In the counter filed by him, Shri Shaik Anwar, Superintending Engineer, Operation Circle, Medak has denied the petitioner's assertion that he had worked in Divisional Office, Operation, AP Transco, Medak from 25-6-1996 to 1997.

Shri Shaik Anwar has then averred that vacancies in the cadre of LDC/Typists were notified on 20-4-2001 and the eligible candidates were interviewed on 3-2-2003 and 4-2-2003. According to Shri Shaik Anwar, the petitioner is not entitled to be considered for regular appointment because, he does not fall in the category of ex-casual labour or village electricity worker or contract labour.

I have heard learned counsel for the parties. B.P.Ms.No. 36, dated 18-5-1997 to which a reference has been made in the pleadings of the parties reads as under:

**“ANDHRA PRADESH STATE ELECTRICITY BOARD:
VIDYUT SOUDHA ::: HYDERABAD**

Estt. – APSE BOARD – Filling up of 50% existing vacancies in initial recruitment cadres by Ex-casual labour who obtained court orders and Village Electricity Workers – ORDERS – Issued.

B.P. (P & G. Per) Ms.No.36,

Dated: 18-5-1997

Read the following :-

1. Minutes of Joint Meeting dated 5-3-96 with the three Recognised Unions.
2. B.P. (P & G. Per) Ms.No.228, dt.27-1-97
3. B.P. (P & G. Per) Ms.No.17, dt.22-4-97
4. Government's D.O. Lr.No.21207/Ser.A.2193 E. Deptt., dated 18-5-1997

PROCEEDINGS:

In the Joint Meeting held on 5-3-96 with the three recognized unions, it was agreed, inter alia, to fill up 50% of the vacancies of the following initial recruitment cadres on receipt of permission from

Government, by considering the cases of Ex-casual labour covered by court cases who have to be given second chance, contract labour and Village Electricity Workers.

JLM/JPA/JA/LDC/RC/Typist/Sub-Engineers

2. In the reference second cited, certain guidelines have been issued to consider these cases for appointment against 50% vacancies in the above mentioned categories.

3. The A.P.S.E. Board has re-examined the issue in the light of the orders issued by the Government in the reference last cited and also the developments that took place with reference to the abolition of 33 categories of contract labour in Generating Stations in G.O.Ms.No.41, Labour Department, dt.23-9-96 and decided to consider the cases of Ex-casual labour covered by court cases who have to be given second chance, Village Electricity Workers and Contract Labour not covered by 33 abolished categories in Generating Stations, against 50% of existing vacancies in the above initial recruitment cadres.

4. The A.P.S.E. Board accordingly issues the following orders in supersession of the orders issued in the references 2 and 3rd cited.

i) Ex-Casual Labour:

The Ex-Casual labour who were already interviewed but failed in the test and given second chance and also obtained interim orders from the High Court for consideration are only eligible for selection for appointment against 50% of the existing vacancies in accordance with the guidelines contained in Memo No.DP/DM-I./A3/1138/95-1, dt.26.9.1985 read with Memo No.D/DM-I/C2/2519/93 dt.14.9.93.

ii) Village Electricity Workers:

In terms of the agreement dated 5.3.96, the cases of the village Electricity Workers shall be considered for selection and appointment against 50% of the existing vacancies subject to the condition that they are not eligible to derive any benefit for their earlier services and on selection they will be appointed as fresh candidates in A.P.S.E. Board.

iii) Contract Labour:

The Contract labour other than those engaged in 33 abolished categories in generating stations shall be considered for selection and appointment against 50% existing vacancies.

5. The guidelines for selection of the candidates from the above categories shall be as follows:

- a) **Age**: Age shall be reckoned as per Board's service regulations in force at the time of their first engagement. There shall be no relaxation of age.
- b) **Educational Qualifications**: Educational Qualifications shall be as per Board's service regulations in force at the time of their first engagement. There shall be no relaxation of educational qualifications or other relevant technical qualifications which are prescribed in the service regulations for such appointment.
- c) **Seniority**: The Seniority shall be reckoned based on the total period of service rendered by the respective candidates in the Unit as per muster rolls/wage register or as per the records maintained under the contract labour (Regulation and Abolition) Act, 1970. Separate seniority list shall be prepared for each category as per their eligibility. The continuous period of working shall be taken for purpose of reckoning in seniority in respect of village Electricity workers.
- d) **Rules of Reservation**: The rule of reservation as per roster in terms of Reg.22 of A.P.S.E.B. Service Regulation Part-II shall be strictly followed.
- e) **Selection Committee**:
 - i. Director personnel.
 - ii. Concerned Chief Engineer from Generating Station/Zone
 - iii. Deputy Secretary (Personnel)
 - iv. Director (Industrial Relations) –Member Convenor.

6. The Selection Committee constituted above shall select the candidates suitable for appointment for each category and communicate the lists to the concerned appointing authorities. They shall appoint the selected candidates depending upon vacancies available duly adopting the rule of reservations in terms of Reg.22 of A.P.S.E. Board Service Regulations Part-II.

(BY ORDER AND IN THE NAME OF A.P.S.E. BOARD)

**A.K. KUTTY,
MEMBER SECRETARY. ”**

A bare reading of the above reproduced circular shows that only those persons are eligible to be considered for regular appointment against 50% vacancies who fall in the category of ex-casual labour or village electricity worker or contract labour.

In the affidavit filed by him, the petitioner has averred that he had worked as a contract labour from 25-6-1996 to 1997, but he has not produced any evidence to substantiate this assertion. On their part, the respondents have categorically averred that the petitioner did not work in Divisional Office, Operation, AP Transco, Medak. The petitioner has not filed rejoinder to controvert the same. Therefore, there is no escape from the conclusion that the petitioner has failed to prima facie establish his eligibility and entitlement to be considered for regular appointment in accordance with the policy contained in B.P.Ms.No. 36, dated 18-5-1997 and the writ petition is liable to be dismissed. Ordered accordingly.

As a sequel to dismissal of the writ petition, WPMP No. 30202 of 2004 filed by the petitioner for interim relief is disposed of as infructuous.

G.S.SINGHVI, C.J.

March 7, 2007

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